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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,387	02/01/2005	Erik Boudewijn Van Der Tol	NL 020737	4136

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SENGI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,387	Applicant(s) VAN DER TOL ET AL.	
	Examiner BEHROOZ SENFI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-4 are rejected under 35 U.S.C. 101 because; the claimed invention is directed to non-statutory subject matter. It is noted that the invention as claimed is directed to “a method of communicating block of data using the steps as cited in claim”. However; such invention is non-statutory; because the inventive steps of the claim fails to positively tie to another statutory class or structure by the claim. Therefore; such invention is not a patent eligible process under Memorandum, dated May 15, 2008, clarification of “processes” under 35 USC 101.

Claims 2-4 are rejected under 35 USC 101 by virtue of their dependency to claim

- 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al. (US 2008/0212885).

Regarding claim 1, Mitchell discloses, a method of communicating at least one block of data from a first functional element within a transform based coder or decoder to a second functional element within the coder or decoder (i.e., fig. 2-3), wherein the at least one block of data comprises a row- column structure of data coefficients (e.g., figs. 7-8 and 10, step 607, row of DCT block coefficients), characterized in that the method comprises the steps of: reducing the size of the at least one block of data to produce a reduced size data block (i.e., page 2, paragraph 0019) by elimination of one or more rows and/or columns of redundant data coefficients (e.g., page 8, paragraph 0075), and communicating the reduced size data block from the first functional element to the second functional element (e.g., figs. 2-3).

Regarding claim 2, Mitchell discloses, a method of communicating at least one block of data according to claim 1, wherein the step of reducing the size of the at least one block of data may comprise the steps of identifying rows and/or columns having only substantially zero valued coefficients as redundant data (i.e., page 2, paragraph 0019 and page 8, paragraph 0075).

Regarding claim 3, Mitchell discloses, a method according to claim 2, where the dimensions of the reduced size data block are communicated to the second functional element (e.g., fig. 10, steps 603 and 604).

Regarding claims 5 and 7-8, the limitations claimed are substantially similar to claims 1-3 above, therefore the ground for rejecting claims 1-3 also applies here.

Regarding claims 9-10, Mitchell discloses, coder and output device (i.e., fig. 2) and decoder (i.e., fig. 3).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 2008/0212885) in view of Xia et al. (US 6,014,466).

Regarding claim 4, Mitchell is silent in regards to explicit of, elimination of coefficients outside a predetermined boundary, as specified in the claim.

Xia (i.e., col. 2, lines 23-43) teaches eliminating/discarding coefficients outside a boundary.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of Mitchell and Xia, as a whole, to improve the image/video coding process.

Regarding claim 6, the limitations claimed are substantially similar to claim 4 above; therefore the ground for rejecting claim 4 also applies here.

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Behrooz Senfi/
Examiner
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